

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82913 of 2024

Arising Out of PS. Case No.-459 Year-2024 Thana- BELAGANJ District- Gaya

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Ajay Kewat @ Ajay Malah @ Ajay Kumar Prasad S/O Sri Ramrush Malah @
Ramrup Kewat Resident of village- Govaraha Tola Jahana, P.S-
Belaganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramakant Singh, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 4 09-07-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Belaganj P.S. Case no.459 of 2024 registered under
Sections 126(2), 109, 117(2), 303(2) and 3(5) of the B.N.S,
2023.
3. The allegation in the F.I.R is that on account of
measurement of land, some dispute started between the
informant and the accused persons including petitioner herein
and when another brother of the informant intervened in
between, all accused persons assaulted the informant and his
brother with iron rod causing injuries to both the informant and
his brother.



4. Learned counsel for the petitioner submits that it would be apparent from the F.I.R itself that occurrence had taken place all of sudden during course of measurement of land being done. It is further submitted that the petitioner and the informant are the real brothers and there is dispute in the family with regard to share of land. The materials collected during investigation and also statements of the independent witnesses indicate that during course of measurement of land being done, a verbal altercation took place between them leading to physical altercation between the parties. A perusal of injury reports of two injured persons available in the case diary indicates that the injury suffered by the informant is simple in nature and the injury suffered by informant's brother Ashok Kewat is grievous in nature caused by hard and blunt object. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. It is taken into consideration that there is a dispute between the brothers with regard to share in the land and there was altercation between them causing assault upon each other which happened at the spur of the moment and no intention to



cause death can be imputed and hence, applicability of Section 109 of B.N.S would be under question. It is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Belaganj P.S. Case no.459 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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